

DIVISION OF ALCOHOL AND TOBACCO CONTROL



TASTING GUIDELINES – Wholesalers

The following guidelines on tastings will set out the legal requirements under Sections 311.070, 311.294, 311.297 and 311.310, RSMo, and 11CSRs 70-2.040 and 70-2.240, for tastings.

Tastings on Nonlicensed Premises:

Section 311.297.1 allows a wholesaler to provide and pour distilled spirits, wine, or malt beverage samples on nonlicensed premises for tastings as long as no sales transaction occurs. Could be used for home tasting parties.

Tastings on Tax Exempt Licensees, Caterers or Picnic Licensees Premises:

Section 311.297.2, allows a wholesaler to provide, furnish and pour for tasting purposes at picnic licensees events, caterers licensees events and also for tax exempt licensed premises, such as the VFW, or Knights of Columbus.

Tastings on Other Licensed Premises:

Any wholesaler or designated employee may provide or furnish distilled spirits, wine, or malt beverage samples on a retail by the drink premises or on an original package premises which has a tasting license under Section 311.294, RSMo. Following are various conditions/ requirements:

1. The industry member must have permission from the person holding the retail license, since the retail license could be suspended or revoked should violations of the liquor laws or regulations occur upon or about the licensed premises during such activities.
2. Retailer cannot be paid for the opportunity to conduct the tasting.
3. Alcoholic beverages shall not be supplied to persons less than twenty-one years of age or to intoxicated persons.
4. Alcoholic beverages may not be consumed during hours or days when consumption at a licensed premise is prohibited by law.
5. Free tastings may not be advertised.

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6. A retail by drink establishment may give the tasted product to the consumer or may charge.
7. If the retailer does not charge the consumer for the tasted product, then a wholesaler may supply the product for the tasting.
8. If the retail by the drink retailer does charge the consumer for the tasted product, then the wholesaler may not buy the product from the retailer or furnish it to the consumer. *Note that charging an admission fee, which allows the entrants to taste, constitutes charging for the tasting.*
9. **Please note that a wholesaler is not allowed to pour alcohol samples nor hire a sampling service to pour intoxicating liquor samples on a licensed retail premise**
10. A wholesaler may not under any circumstances provide other items – most commonly cheese or other food items – at any tastings.
11. **All remaining alcohol provided by the wholesaler shall be returned to the wholesaler.**